



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 18/10/22 - 42-44 ELDER STREET LAMBTON - DA2022/00083 -
STAGED DEVELOPMENT COMPRISING STAGE 1 DEMOLITION OF
DWELLING HOUSE AND BOUNDARY ADJUSTMENT AND STAGE 2
DUAL OCCUPANCY AND 1 INTO 2 LOT SUBDIVISION**

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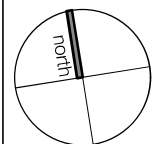
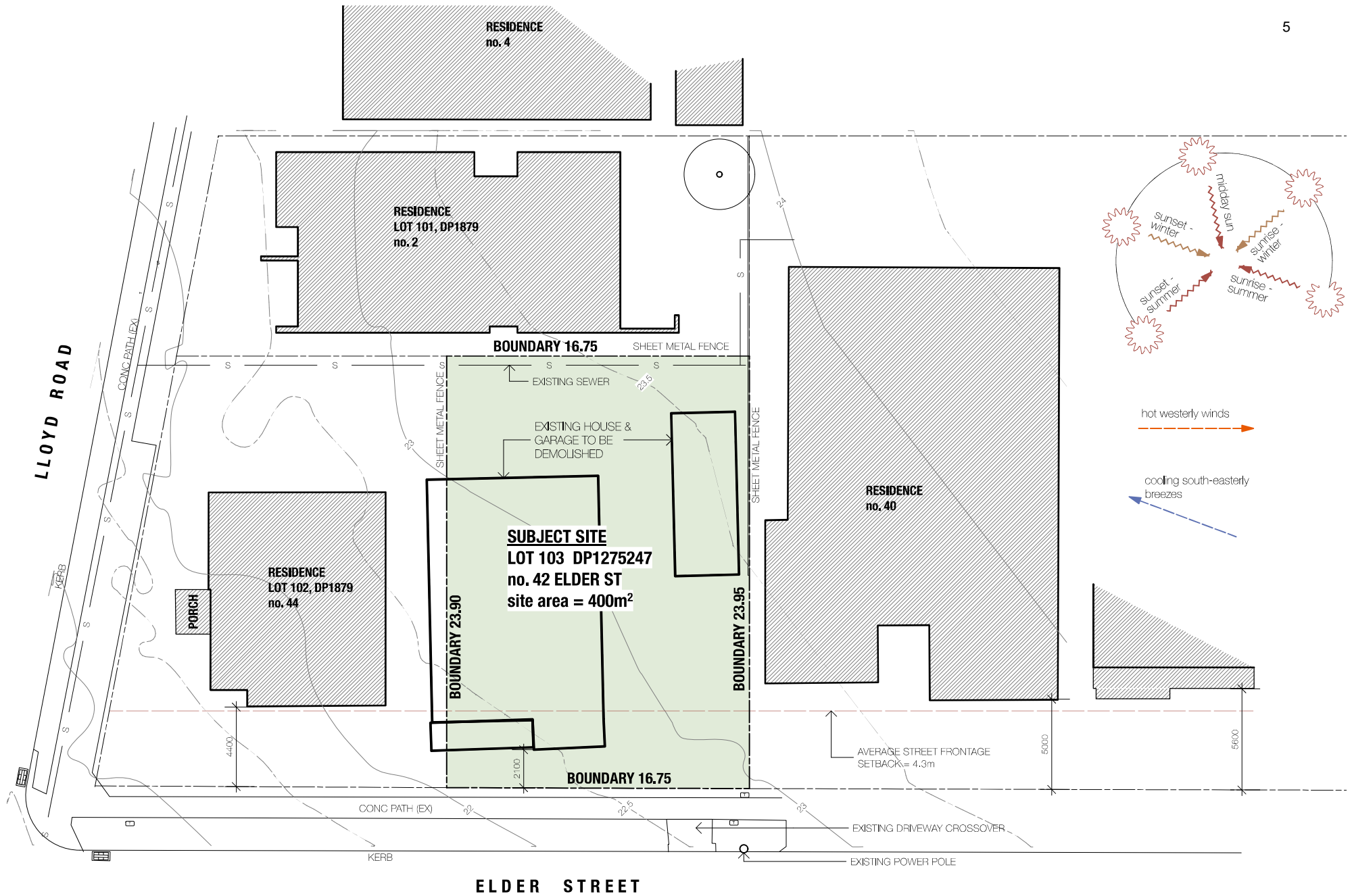
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STAGED DEVELOPMENT COMPRISING STAGE 1 DEMOLITION OF
DWELLING HOUSE AND BOUNDARY ADJUSTMENT AND STAGE 2
DUAL OCCUPANCY AND 1 INTO 2 LOT SUBDIVISION**

ITEM-15 **Attachment A:** Submitted Plans

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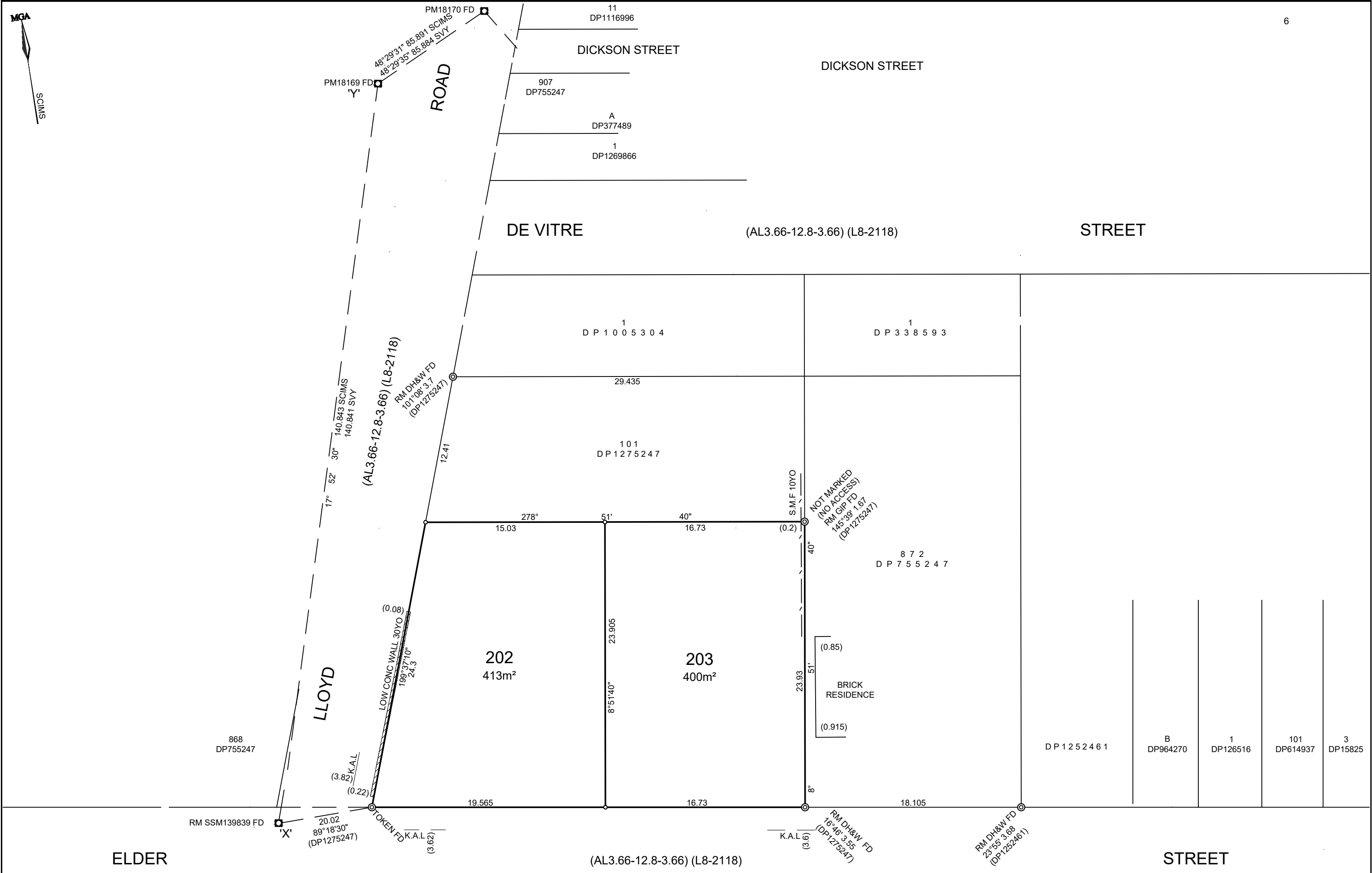




DEVELOPMENT APPLICATION

JASON TOPIC
 architect
 17 gilbson street, cooks hill nsw 2300
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 T 0411 488 282 reg. no. 8272
 www.jasontopicarchitect.com

PROJECT	Proposed Dual Occupancy		PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton		DWG no.	DA.2
CUSTOMER	B & R. Hanckel	DATE	6/12/21	REVISION
DWG	Site Analysis Plan	SCALE @ A3	1:200	



COORDINATE SCHEDULE						
MARK	MGA COORDINATES		CLASS	ORDER	METHOD	STATE
	EASTING	NORTHING				
PM 18169	379614.972	6357860.458	B	-	SCIMS	FOUND
PM 18170	379679.278	6357917.367	B	-	SCIMS	FOUND
SSM139839	379571.751	6357726.445	B	-	SCIMS	FOUND
C.S.F = 0.999771 ZONE 56 MGA DATUM : GDA2020 SCIMS DATE : 27/3/2021						

SURVEYOR
 Name: BRENTON HANCKEL
 Date: -
 Reference: 2019210 DP2

PLAN OF SUBDIVISION OF LOTS 102 & 103
 DP1275247

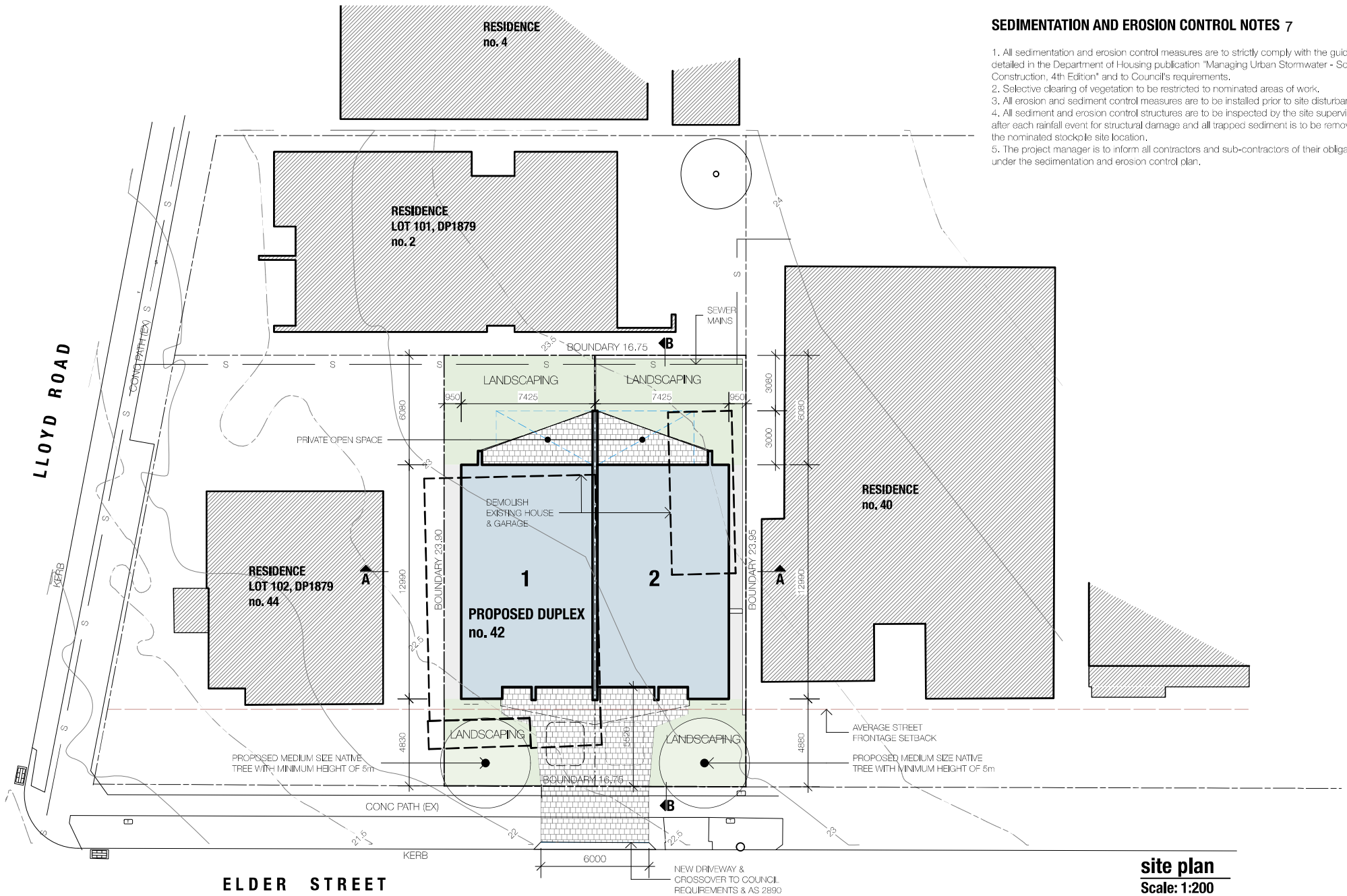
L.G.A.: NEWCASTLE
 Locality: LAMBTON
 Reduction Ratio: 1:200
 Lengths are in metres

REGISTERED

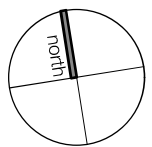
DP

SEDIMENTATION AND EROSION CONTROL NOTES 7

1. All sedimentation and erosion control measures are to strictly comply with the guidelines detailed in the Department of Housing publication "Managing Urban Stormwater - Soils & Construction, 4th Edition" and to Council's requirements.
2. Selective clearing of vegetation to be restricted to nominated areas of work.
3. All erosion and sediment control measures are to be installed prior to site disturbance.
4. All sediment and erosion control structures are to be inspected by the site supervisor after each rainfall event for structural damage and all trapped sediment is to be removed to the nominated stockpile site location.
5. The project manager is to inform all contractors and sub-contractors of their obligations under the sedimentation and erosion control plan.



site plan
Scale: 1:200



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PROJECT	Proposed Dual Occupancy		PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton		DWG no.	DA.3
CLIENT	B & R. Hanckel	DATE	6/12/21	
DWG	Site Plan	SCALE @ A3	1:200	REVISION

WINDOW SCHEDULE

All windows are to be aluminium framed, single clear glazed unless noted otherwise.

ID	Window Type	Frame Height	Frame Width
W1	Fixed Glass Window	2400	650
W2	Awning Hung Window	1200	750
W3	Awning Hung Window	750	750
W4	Awning Hung Window	750	750
W5	Louvre + Fixed Window	700	1500
W6	Louvre Window	2400	900
W7	Stacking Sliding Door	2440	4100
W8	Fixed Glass Window	2400	900
W9	Fixed Glass Window	2400	900
W10	Stacking Sliding Door	2440	4100
W11	Louvre Window	2400	900
W12	Louvre + Fixed Window	700	1500
W13	Awning Hung Window	750	750
W14	Awning Hung Window	750	750
W15	Awning Hung Window	1200	750
W16	Fixed Glass Window	2400	650
W17	Louvre Window	2400	750
W18	Stacking Sliding Door	2400	3300
W19	Fixed Glass Window	1400	600
W20	Fixed Glass Window	1400	900
W21	Fixed Glass Window	900	1170
W22	Louvre Window	900	900
W23	Louvre Window	900	2900
W24	Louvre Window	900	2900
W25	Louvre Window	900	2900
W26	Louvre Window	900	2900
W27	Louvre Window	900	900
W28	Fixed Glass Window	900	1170
W29	Fixed Glass Window	1400	900
W30	Fixed Glass Window	1400	600
W31	Stacking Sliding Door	2400	3300
W32	Louvre Window	2400	750

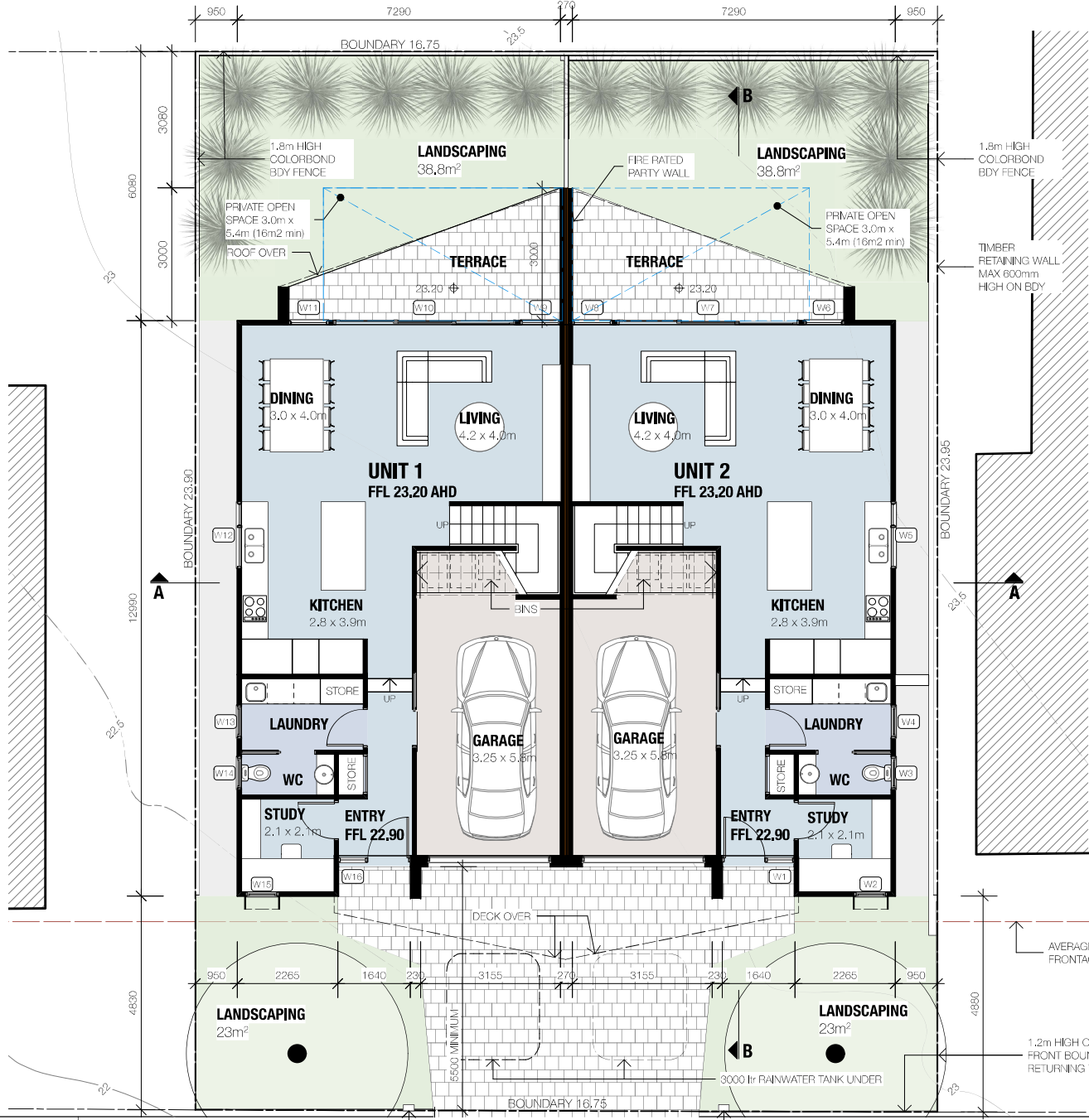
0006900050 07 Dec 2021



Assessor Gavin Chambers
 Accreditation No. DMN13/1491
 Address
 42 Elder Street, Lambton,
 NSW, 2299

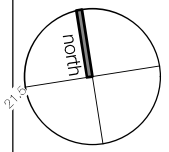


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AVERAGE STREET FRONTAGE SETBACK

1.2m HIGH OPEN PICKET FENCE TO FRONT BOUNDARY AND RETURNING TO BUILDING SETBACK

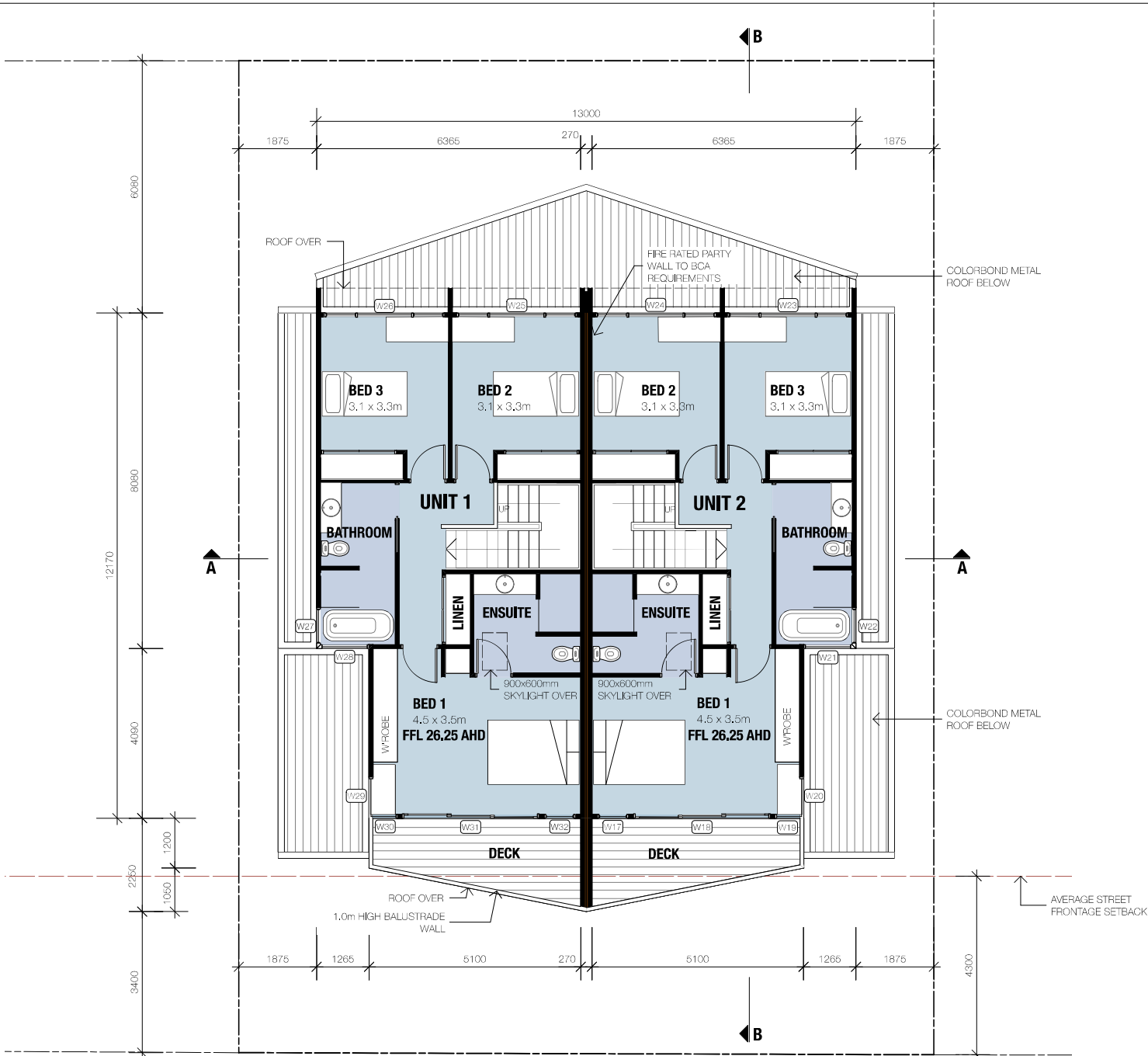


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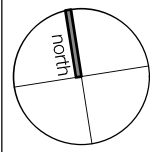
PROJECT	Proposed Dual Occupancy	PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton	DWG no.	DA.4
CUSTOMER	B & R. Hanckel	DATE	6/12/21
DWG	Ground Floor Plan, Window Schedule	SCALE @ A3	1:100
		REVISION	



0006900050 07 Dec 2021

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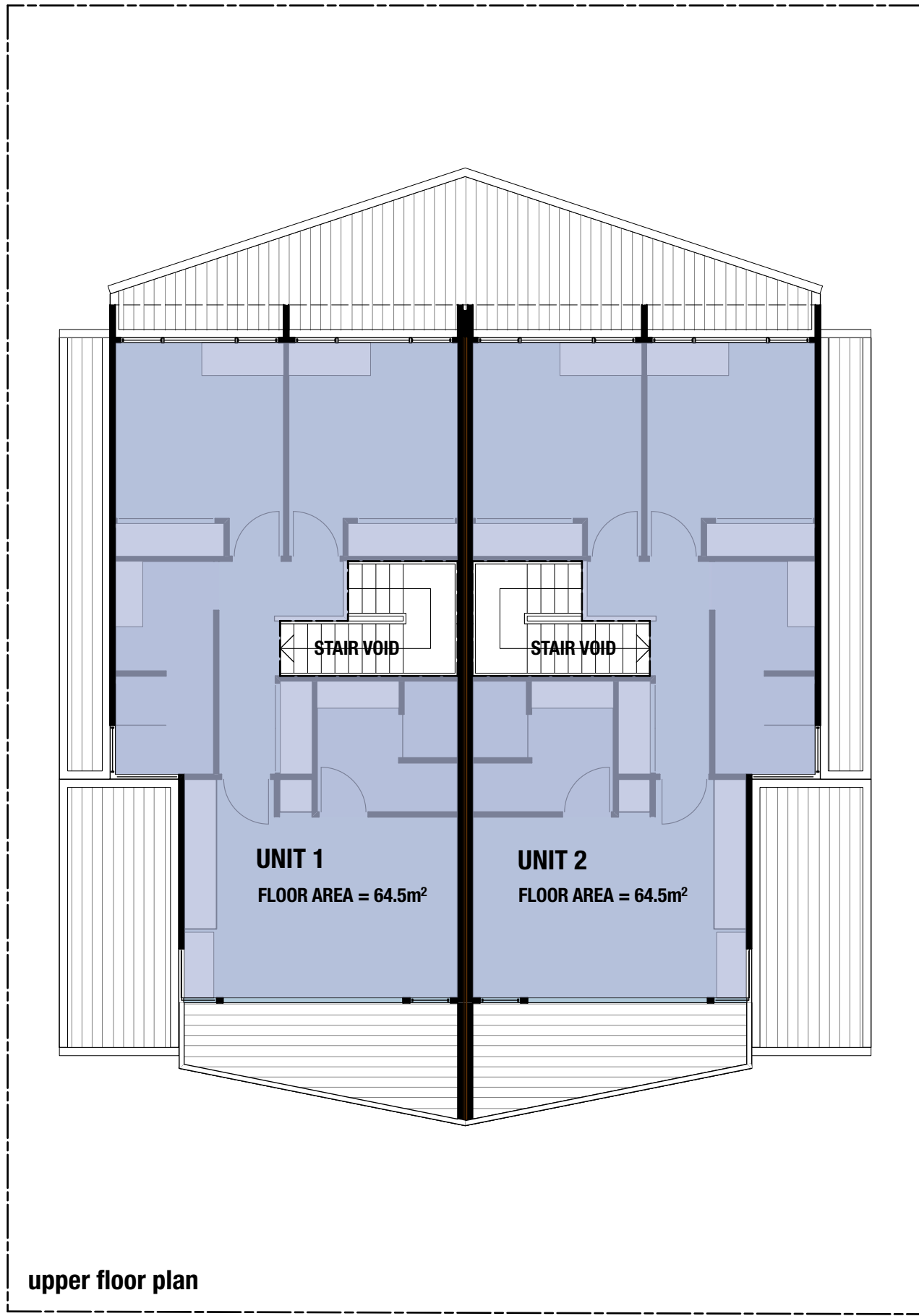
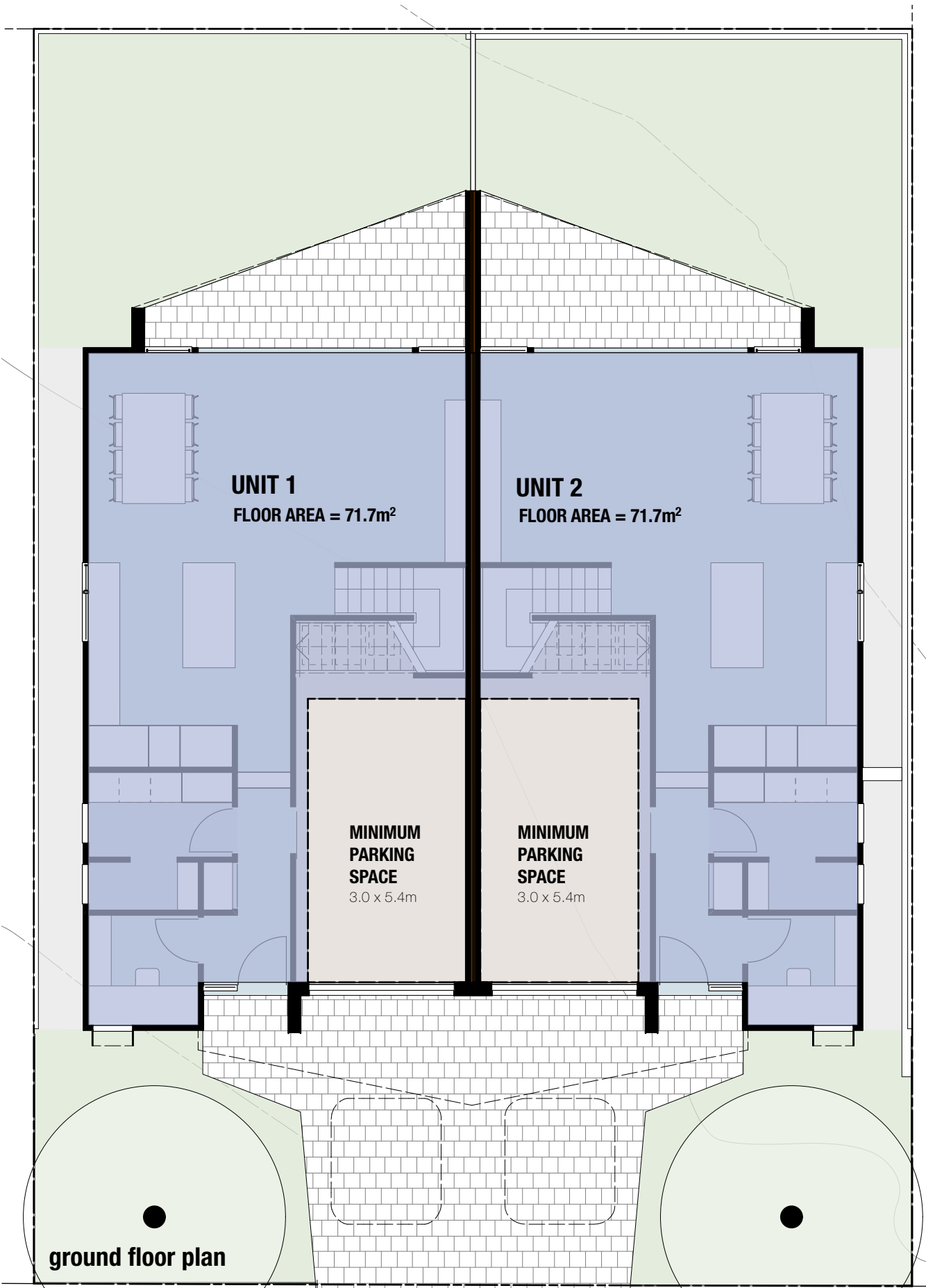


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PROJECT	Proposed Dual Occupancy		PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton		DWG no.	DA.5
CUEENT	B & R. Hanckel	DATE	6/12/21	
DWG	Upper Floor Plan	SCALE @ A3	1:100	REVISION

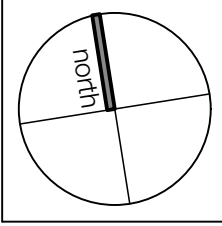


GROSS FLOOR AREA (GFA)
 UNIT 1 = 136.2m²
 UNIT 2 = 136.2m²
 TOTAL GFA = 272.4m²
 SITE AREA = 400m²

FLOOR SPACE RATIO (FSR)
 272.4 / 400 = 0.68 : 1.0

FSR CONTROL
 (COUNCIL LEP) = 0.6 : 1.0
 = 240m²

Therefore, the proposed FSR exceeds Council's FSR control by 13%.



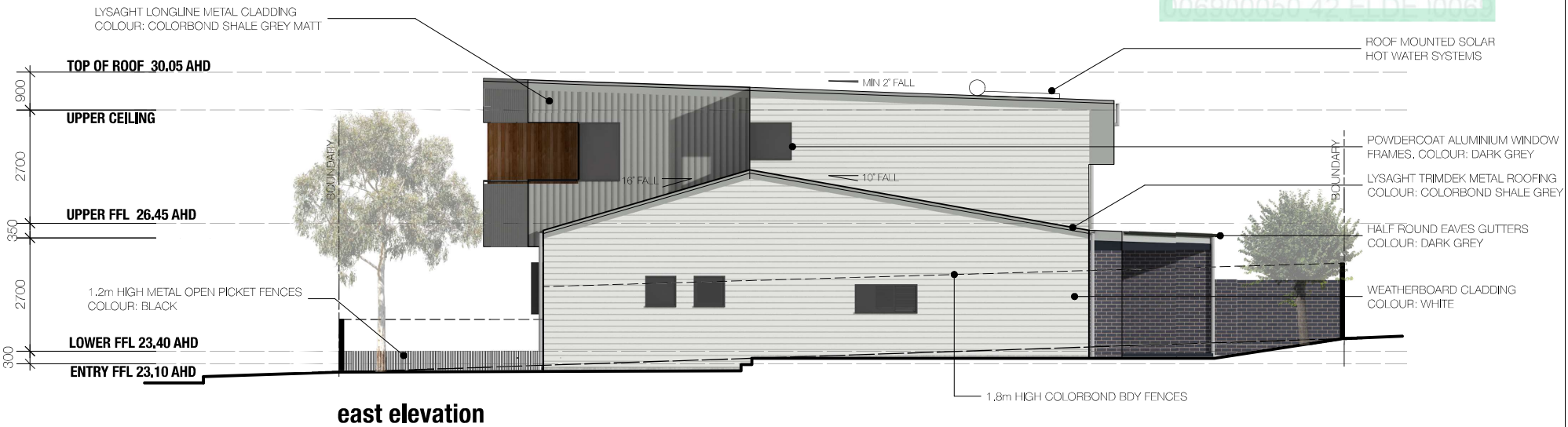
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PROJECT	Proposed Dual Occupancy	PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton	DWG no.	DA.12
CLIENT	B & R. Hanckel	DATE	19/5/22
DWG	Floor Space Calculations	SCALE @ A3	1:100
		REVISION	



south elevation



east elevation

DEVELOPMENT APPLICATION

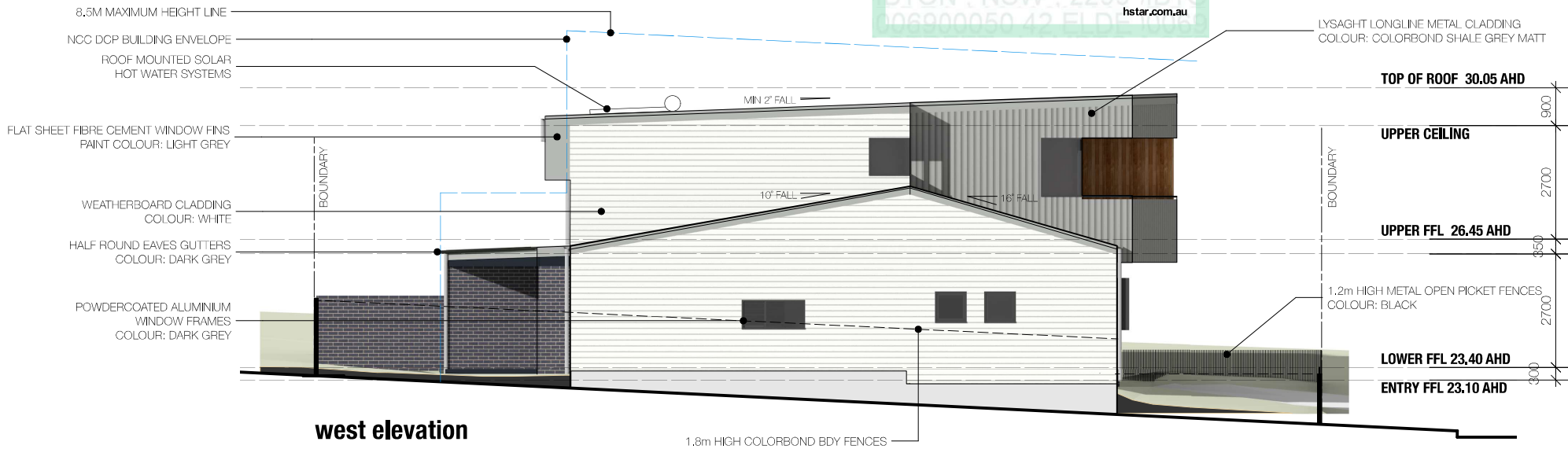
JASON TOPIC
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PROJECT	Proposed Dual Occupancy	PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton	DWG no.	DA.6
CLIENT	B & R. Hanckel	DATE	6/12/21
DWG	Elevations	SCALE @ A3	1:100
		REVISION	



north elevation



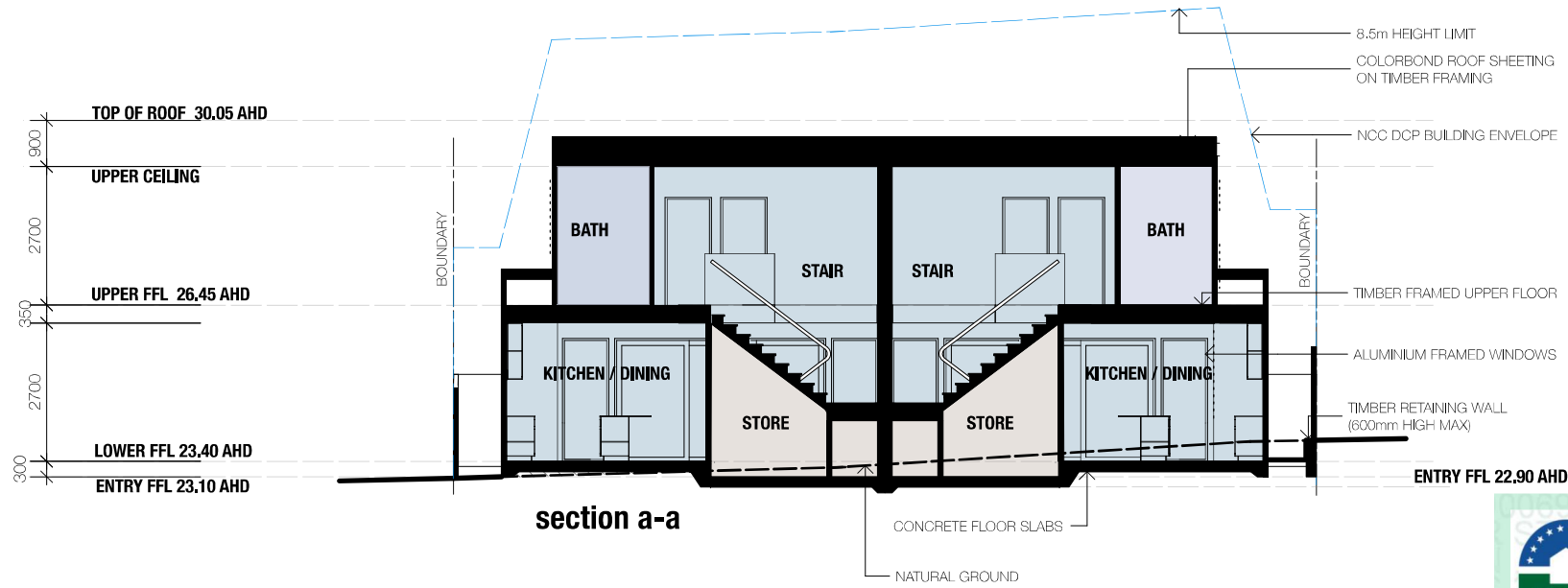
west elevation

DEVELOPMENT APPLICATION

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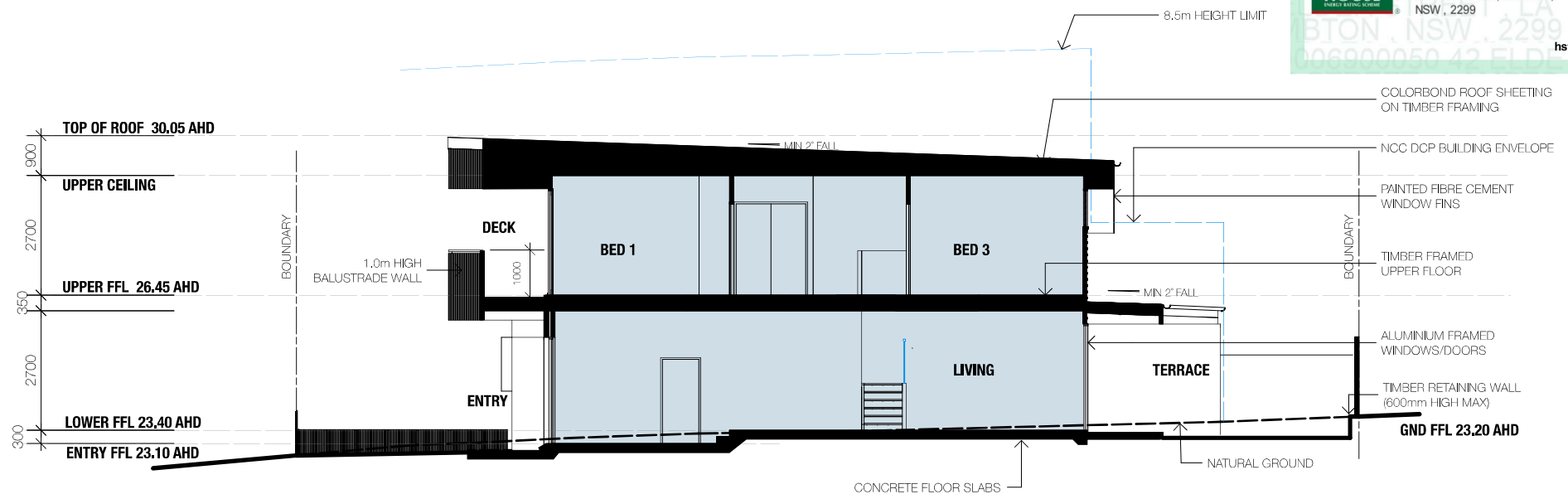
PROJECT	Proposed Dual Occupancy		PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton		DWG no.	DA.7
CLIENT	B & R. Hanckel	DATE	6/12/21	
DWG	Elevations	SCALE @ A3	1:100	REVISION



section a-a

0006900050 07 Dec 2021
Assessor Gavin Chambers
Accreditation No. DMN/13/1491
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section b-b

DEVELOPMENT APPLICATION

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PROJECT	Proposed Dual Occupancy	PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton	DWG no.	DA.8
CLIENT	B & R. Hanckel	DATE	6/12/21
DWG	Sections	SCALE @ A3	1:100
		REVISION	



VIEW FROM SOUTH-WEST



VIEW FROM SOUTH



VIEW FROM NORTH-WEST (AERIAL)

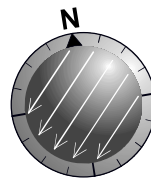
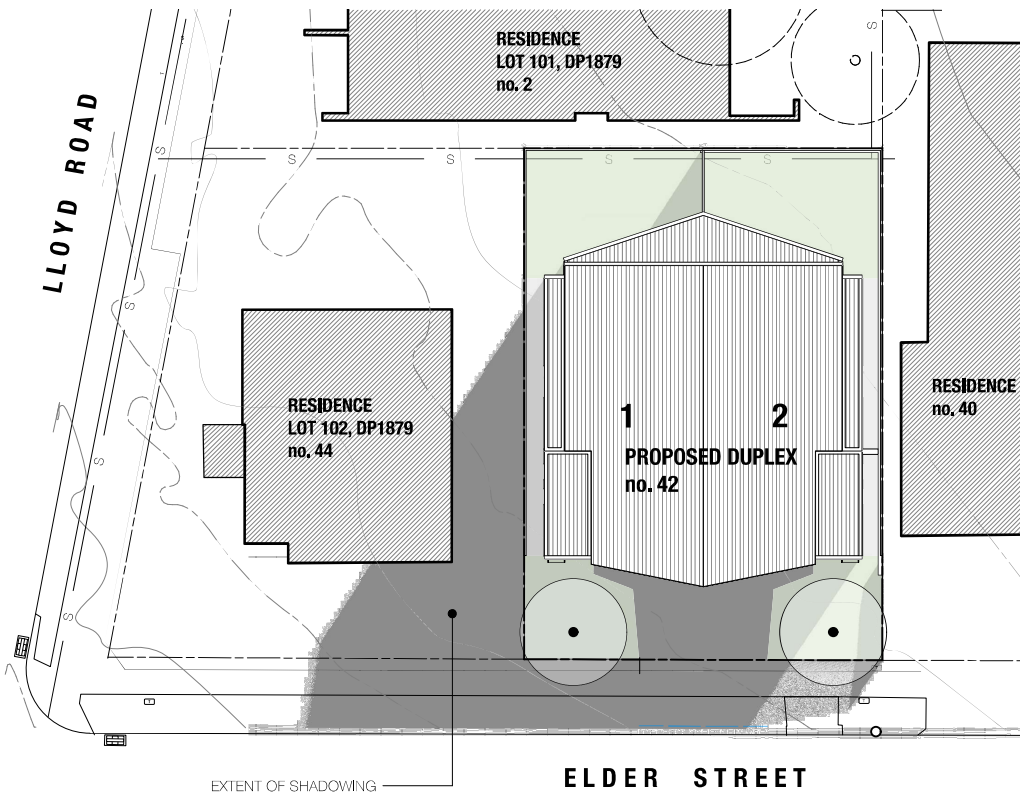


VIEW FROM NORTH-WEST

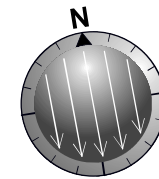
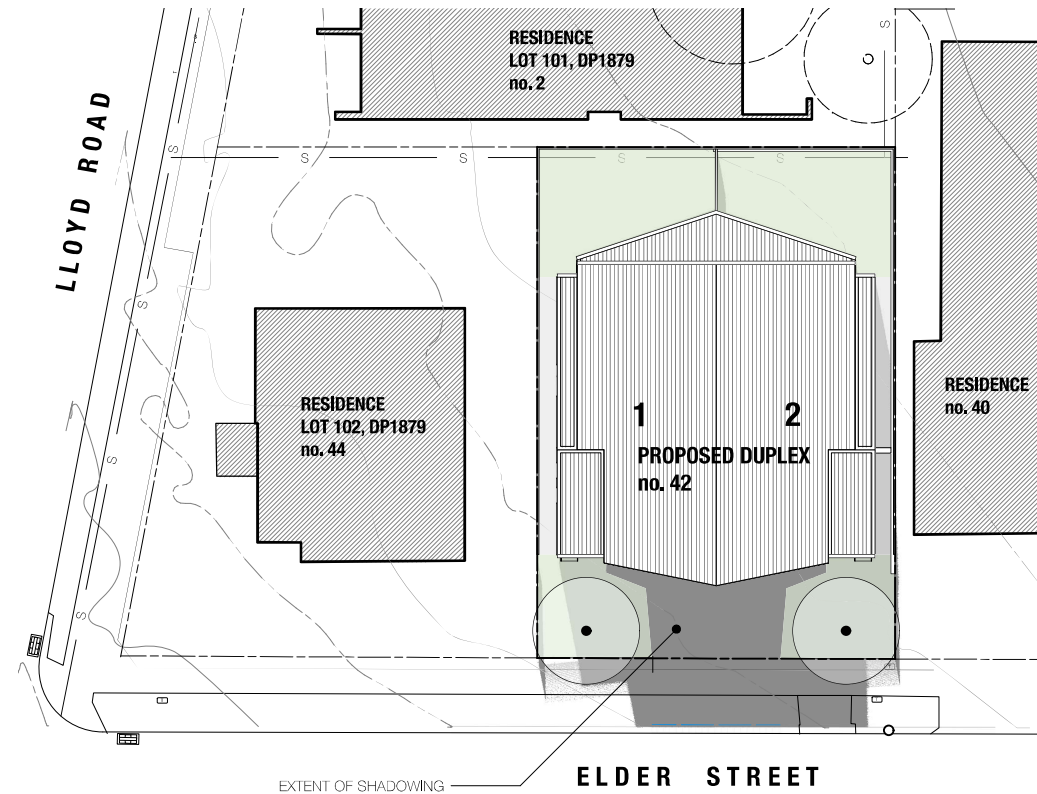
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PROJECT	Proposed Dual Occupancy		PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton		DWG no.	DA.9
CLIENT	B & R. Hanckel	DATE	6/12/21	
DWG	Images	SCALE @ A3	NTS	REVISION



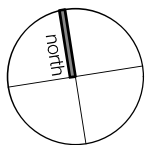
9:00 AM
 Newcastle
 June 21
 Azimuth: 42° 20' [42° 20' east]
 Altitude: 19° 57'
 Solar Time: 9:05 AM



12:00 PM
 Newcastle
 June 21
 Azimuth: 358° 30' [1° 30' west]
 Altitude: 33° 37'
 Solar Time: 12:05 PM

SHADOW DIAGRAMS

- Shadow diagrams have been produced using professional CAD/BIM computer modelling software (Vectorworks 2021).
- Survey information, provided by a registered surveyor, has been referenced to accurately model the site, floor and roof levels, existing neighbouring buildings and the proposed works.



DEVELOPMENT APPLICATION

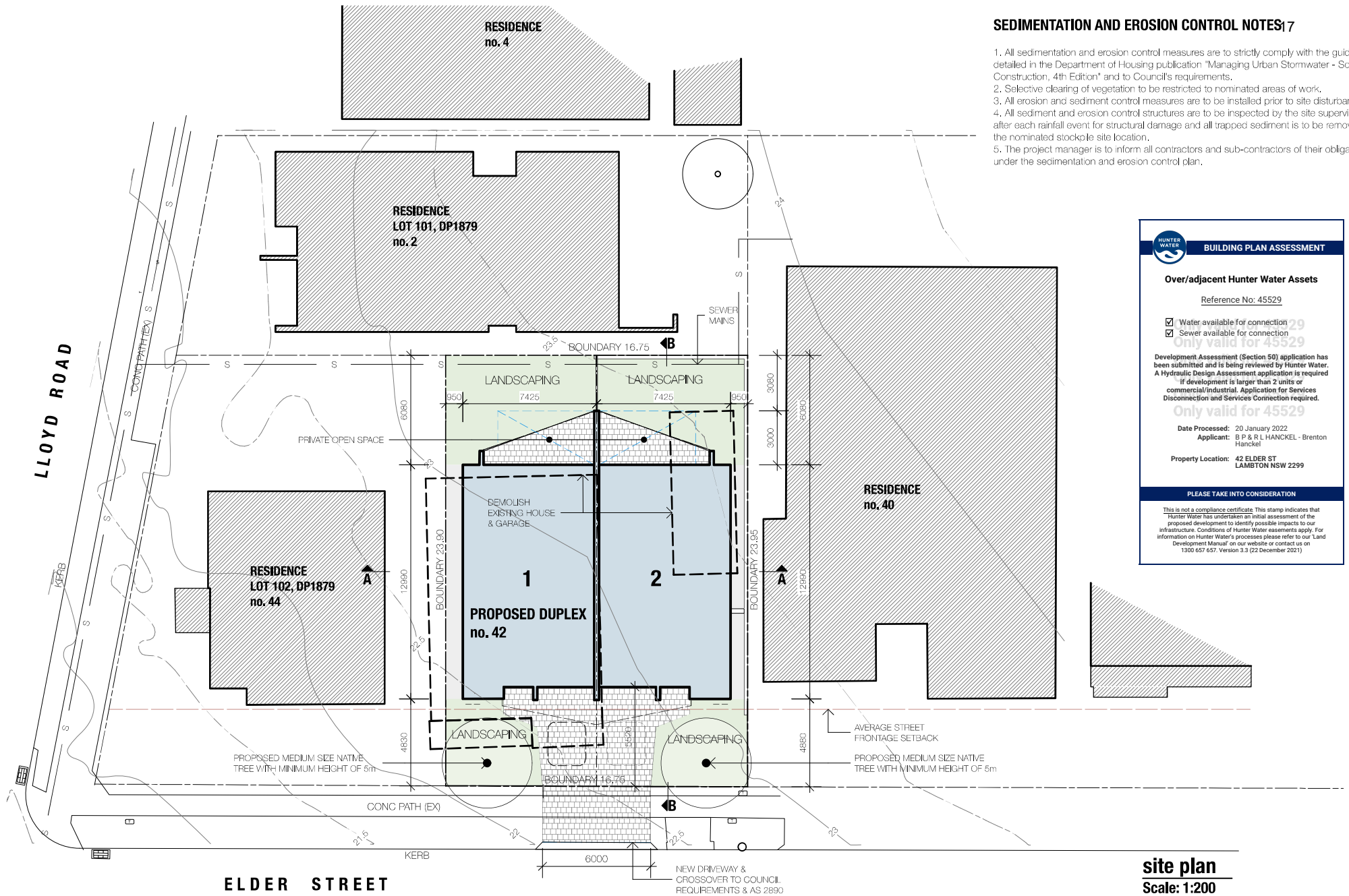
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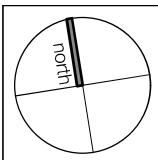
PROJECT	Proposed Dual Occupancy	PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton	DWG no.	DA.10
CLIENT	B & R. Hanckel	DATE	6/12/21
DWG	Shadow Diagrams 9am, 12pm	SCALE @ A3	1:250
		REVISION	

SEDIMENTATION AND EROSION CONTROL NOTES: 7

1. All sedimentation and erosion control measures are to strictly comply with the guidelines detailed in the Department of Housing publication "Managing Urban Stormwater - Soils & Construction, 4th Edition" and to Council's requirements.
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3. All erosion and sediment control measures are to be installed prior to site disturbance.
4. All sediment and erosion control structures are to be inspected by the site supervisor after each rainfall event for structural damage and all trapped sediment is to be removed to the nominated stockpile site location.
5. The project manager is to inform all contractors and sub-contractors of their obligations under the sedimentation and erosion control plan.



HUNTER WATER BUILDING PLAN ASSESSMENT	
Over/adjacent Hunter Water Assets	
Reference No: 45529	
<input checked="" type="checkbox"/> Water available for connection 29 <input checked="" type="checkbox"/> Sewer available for connection Only valid for 45529	
Development Assessment (Section 50) application has been submitted and is being reviewed by Hunter Water. A Hydraulic Design Assessment application is required if development is larger than 2 units or commercial/industrial. Application for Services Disconnection and Services Connection required.	
Only valid for 45529	
Date Processed:	20 January 2022
Applicant:	B P & R L HANCKEL - Brenton Hanckel
Property Location:	42 ELDER ST LAMBTON NSW 2299
PLEASE TAKE INTO CONSIDERATION	
This is not a compliance certificate. This stamp indicates that Hunter Water has undertaken an initial assessment of the proposed development to identify possible impacts to our infrastructure. Conditions of Hunter Water easements apply. For information on Hunter Water's processes please refer to our 'Land Development Manual' on our website or contact us on 1300 657 657. Version 3.3 (22 December 2021)	

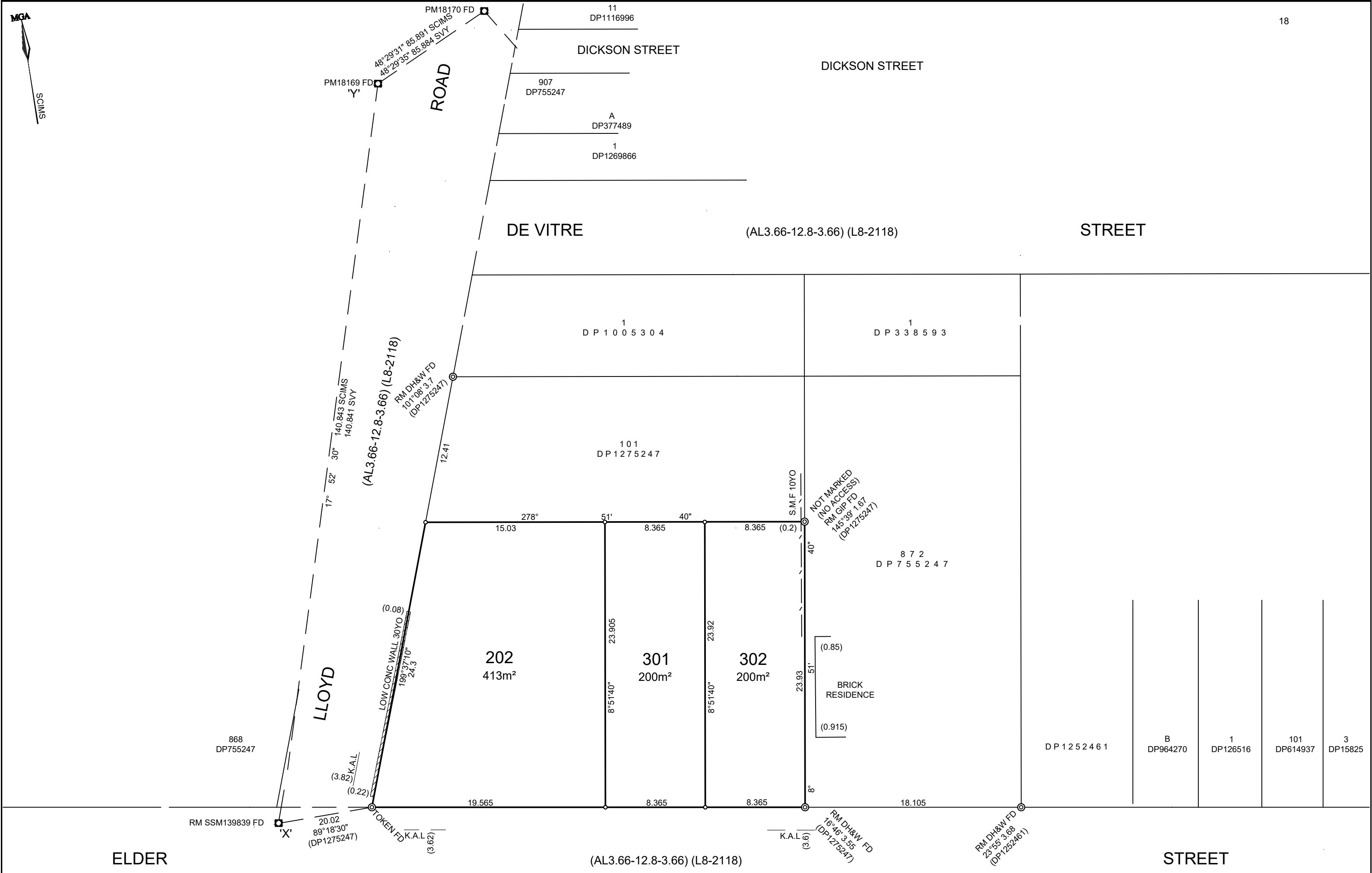


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PROJECT	Proposed Dual Occupancy		PROJECT no.	2021
ADDRESS	42 Elder Street, Lambton		DWG no.	DA.3
CUSTOMER	B & R. Hanckel	DATE	6/12/21	
DWG	Site Plan	SCALE @ A3	1:200	REVISION



COORDINATE SCHEDULE						
MARK	MGA COORDINATES		CLASS	ORDER	METHOD	STATE
	EASTING	NORTHING				
PM 18169	379614.972	6357860.458	B	-	SCIMS	FOUND
PM 18170	379679.278	6357917.367	B	-	SCIMS	FOUND
SSM139839	379571.751	6357726.445	B	-	SCIMS	FOUND
C.S.F = 0.999771 ZONE 56 MGA DATUM : GDA2020 SCIMS DATE : 27/3/2021						

SURVEYOR
 Name: BRENTON HANCKEL
 Date: -
 Reference: 2019210 DP3

PLAN OF SUBDIVISION OF LOTS 102 & 103
 DP1275247

L.G.A.: NEWCASTLE
 Locality: LAMBTON
 Reduction Ratio: 1:200
 Lengths are in metres

REGISTERED

DP



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STAGED DEVELOPMENT COMPRISING STAGE 1 DEMOLITION OF
DWELLING HOUSE AND BOUNDARY ADJUSTMENT AND STAGE 2
DUAL OCCUPANCY AND 1 INTO 2 LOT SUBDIVISION**

ITEM-15 Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER



Application No: DA2022/00083

Land: Lot 102 & 103 DP 1275247

Property Address: 42 – 44 Elder Street Lambton NSW 2299

Proposed Development: Staged development comprising Stage 1 demolition of Dwelling House and 2 into 2 lot subdivision and Stage 2 Dual Occupancy and 1 into 2 lot subdivision

1. The development being carried out in stages in accordance with the details listed below. Each stage of the development complying with all applicable conditions as described within Schedule 1 (General conditions), Schedule 2 (Stage 1) and Schedule 3 (Stage 2). The stages are to be undertaken in numerical order.

The development is to be undertaken in two stages as follows:

Stage 1

- Demolition of dwelling house and ancillary structures located on Lot 103 in Deposited Plan 1275247 and 2 into 2 lot subdivision.

Stage 2

- Erection of Dual Occupancy and 1 into 2 lot subdivision.

SCHEDULE 1 (General conditions)

Approved Documentation

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Stage 1 Subdivision Plan	Ref: 2019210 DP2	Brenton Hanckel	undated
Architectural Plans	Project No: 2021	Jason Topic Architect	06.12.2021
Stormwater Management Plan	Ref: 2019210 SW1	Duggan Mather Surveyors	undated
Stage 2 Subdivision Plan	Ref: 2019210 DP2	Brenton Hanckel	undated
BASIX Certificate	Certificate No: 1263118M	Jason Topic Architect	07.12.2021

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

SCHEDULE 2 (Stage 1)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE DEMOLITION PHASE

3. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
4. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*. A copy of the Hazardous Substances Management Plan is to be provided to the Council and to the demolisher prior to commencement of work.
5. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
 - a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
 - b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner
 - c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
 - d) a copy of all waste disposal receipts are to be kept in the possession of the landowner and made available to authorised Council Officers upon request
 - e) seven working days notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
 - f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
6. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
7. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the approval to position the container on the adjacent public road in accordance with the Council's adopted Building Waste Container Policy.
8. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

9. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
10. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.
11. If demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
12. A rigid and durable sign is to be erected in a prominent position on any site on which demolition work is being carried out, before the commencement of the work:
 - a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

13. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

14. An application is to be made for a Subdivision Certificate. The application is to be supported by a digital copy (pdf format) of the survey plan of subdivision, associated administration sheets and a Section 50 Certificate from the Hunter Water Corporation.
15. The demolition of the existing dwelling house and ancillary structures located on Lot 103 in DP1275247 is to be completed prior to the issue of the Subdivision Certificate.
16. All public footways, footpaving, kerbs, gutters and road pavement damaged during demolition works are to be repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work.

SCHEDULE 3 (Stage 2)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. The car parking and vehicular access are to be designed to comply with the relevant provisions of *AS/NZS 2890 Parking facilities*. Details are to be included in documentation for a Construction Certificate application.
18. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.
19. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of a 2.0m by 2.5m splayed area within the property boundary, each side of the driveway entrance, or limited to 1.2m in height in that area, in accordance with *AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking*. Details are to be included in documentation for a Construction Certificate application.
20. Roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 4,000 litres per dwelling and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate application.
21. All stormwater runoff from the proposed development is to be managed in accordance with the requirements of Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater management concept plan prepared by Duggan Mather Surveyors, Ref:2019210 SW1. Full details are to be included in documentation for a Construction Certificate application.
22. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
 - a) cross sections through the site
 - b) proposed contours or spot levels
 - c) botanical names
 - d) quantities and container size of all proposed trees
 - e) shrubs and ground cover
 - f) details of proposed soil preparation
 - g) mulching and staking
 - h) treatment of external surfaces and retaining walls where proposed
 - i) drainage, location of taps and

j) maintenance periods.

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

23. Any required clothes drying lines are to be screened from the street. Full details are to be included in the documentation for a Construction Certificate application.
24. The applicant is to comply with all of Hunter Water's requirements to provide your development with water supply and sewerage services. A copy of Hunter Water's compliance certificate (*Hunter Water Act 1991* - Section 50) must be submitted with your Construction Certificate application.
25. The applicant is to comply with the requirements of Hunter Water in respect of any building or structure proposed to be erected over any services or drain under Hunter Water's control. Details addressing any requirements of Hunter Water are to be included in the Construction Certificate application.
26. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
 - a) Constructed in accordance with City of Newcastle's A1300 - Driveway Crossings Standard Design Details.
 - b) The driveway crossing, within the road reserve, is to be a maximum of 6m wide.
 - c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
 - d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
 - e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* has been granted by the City of Newcastle.

27. A separate application is to be lodged and consent obtained from the City of Newcastle for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the City of Newcastle, before the issue of a Construction Certificate.
28. One (1) street tree is to be planted as compensation for the removal of the existing street tree planting location. A fee, to be determined by contacting City of Newcastle's City Greening Services, is to be paid to the City of Newcastle for the required compensatory planting and evidence of the payment of the required fee is to be included in documentation for a Construction Certificate application.

Note: The tree selection and location of the required compensatory planting will be determined by City of Newcastle's City Greening Services in accordance with the City of Newcastle's '*Street Tree Master Plan*'. The location of the compensatory tree planting may not be in the immediate proximity of the site.

29. In accordance with the City of Newcastle Section 7.11 Development Contributions Plan

2021-2036 (the Plan), the following monetary contributions shall be paid to the City of Newcastle to cater for the increased demand for transport and social infrastructure resulting from the development:

Description	Contribution (\$)
Transport	\$ 3,009.86
Open Space and Recreation	\$ 12,934.01
Community Facilities	\$ 2,392.69
Plan Preparation and Administration	\$ 457.75
TOTAL	\$ 18,794.31

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment

The contributions shall be paid to the City of Newcastle:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
- (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

30. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
 - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
31. At a minimum, the following measures are to be implemented during the construction phase:
 - a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
 - c) Provision is to be made to prevent windblown rubbish leaving the site; and

- d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

- 32. A rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
 - a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

- 33. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 34. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 35. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information -
 - (a) In the case of work for which a principal contractor is required to be appointed -
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) In the case of work to be carried out by an owner-builder -
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989 - the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Note: This does not apply in relation to Crown building work certified to comply with the

Building Code of Australia under Part 6 of the Act.

36. All excavations and backfilling are to be executed safely and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
37. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor, the person having the benefit of the development consent is to, at that person's own expense:
 - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition / requirements not applying.

38. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves, including the road reserve, is not permitted.
39. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifier before construction is commenced.
40. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier on completion of the retaining wall construction confirming that the location of the wall/walls is consistent with the approved location.
41. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
42. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Council's requirements, in accordance with Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012.
43. Council's '*Prevent Pollution*' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by Council, for the duration of demolition and construction work.

The sign can be obtained by presenting your development application receipt at City of Newcastle's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

44. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book')* published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
45. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR A SUBDIVISION CERTIFICATE

46. All commitments listed in the relevant BASIX certificate for:
- a) BASIX development,
 - b) BASIX optional development, if the development application was accompanied by a BASIX certificate.
- are to be satisfactorily completed prior to the issue of an Occupation Certificate.

Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the Newcastle City Council with Occupation Certificate documentation.

47. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
48. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.
49. Any redundant existing vehicular crossing is to be removed at no cost to the City of Newcastle. The road reserve and kerb is to be restored to the City of Newcastle's satisfaction. Works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.
50. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
51. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
52. An application is to be made for a Subdivision Certificate. The application is to be supported by a digital copy (pdf format) of the survey plan of subdivision, associated administration sheets and a Section 50 Certificate from the Hunter Water Corporation.
53. An instrument under Section 88B of the *Conveyancing Act 1919*, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to the City of Newcastle for certification. The City of Newcastle is to be identified as a party whose consent is required to release, vary or modify easements.
54. The approved development on the site is to be completed to at least lock-up stage prior to the issue of the Subdivision Certificate.

Lock-up stage is taken to mean the stage at which a building's external wall cladding and roof covering is fixed and external doors and windows are fixed (even if those

doors and windows are only temporary).

55. The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral height is to be 75mm.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

56. The premises are allocated the following street addresses in accordance with City of Newcastle's *House Numbering Policy* and the *Surveying and Spatial Regulation*.

Lot number on plan	Street number	Street name	Type	Suburb
Lot 301	42A	Elder	Street	Lambton
Lot 302	42	Elder	Street	Lambton

ADVISORY MATTERS

- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.
- An application is to be submitted to the City of Newcastle for the removal or pruning of any trees located more than three metres from the dwelling wall, measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered

portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).

- If archaeological deposits or relics not considered in the supporting documents for this consent are discovered, work must cease in the affected area(s) and the Heritage Council of NSW notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Heritage Council of NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land on which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

END OF CONDITIONS

SCHEDULE 4

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The written request to vary a development standard prepared in accordance with Clause 4.6 of the Newcastle Local Environmental Plan 2012 is considered to be well founded and the proposed exceedance to the Floor Space Ratio development standard is acceptable in this circumstance.
- No objections were received and no negative neighbour impacts are anticipated.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 18/10/22 - 42-44 ELDER STREET LAMBTON - DA2022/00083 -
STAGED DEVELOPMENT COMPRISING STAGE 1 DEMOLITION OF
DWELLING HOUSE AND BOUNDARY ADJUSTMENT AND STAGE 2
DUAL OCCUPANCY AND 1 INTO 2 LOT SUBDIVISION**

ITEM-15 **Attachment C:** Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



PROCESSING CHRONOLOGY

DA2022/00083 – 42 & 44 Elder Street Lambton

07 February 2022	-	Application lodged
14 February to 28 February 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)
18 February 2022		External referral response received from Ausgrid.
16 May 2022	-	Request for information issued to applicant
27 June 2022	-	Additional information received from applicant